

849 Eglinton Avenue East – Official Plan Amendment, Zoning Amendment, and Subdivision Applications – Appeal Report

Date: October 9, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Numbers: 22 203483 NNY 15 OZ, 22 160403 NNY 15 OZ, & 22 162079 NNY 15 SB

Related Application Number: 22 160402 NNY 15 SA

SUMMARY

The applications propose to amend the Official Plan and Zoning By-law as well as a Plan of Subdivision to facilitate a three building development, including a 40-storey residential mixed-use building (total of 129.02 metres), a 21-storey residential building (total of 74.55 metres), a 6-storey office building (total of 31.82 metres), as well as a new private road and privately owned publicly accessible space (POPS) at 849 Eglinton Avenue East. There are also two road widenings on both the east and west sides of the property to complete two new north/south public streets connecting Eglinton Avenue East to Vanderhoof Avenue.

On July 18, 2024, the applicant appealed the Official Plan and Zoning By-law Amendment and Subdivision applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the Planning Act. A case management conference has not yet been scheduled.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing and oppose the applications in their current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current applications regarding the Official Plan and Zoning By-law Amendment and the Plan of Subdivision appeals for the lands at 849

Eglinton Avenue East and to continue discussions with the applicant in an attempt to resolve outstanding issues.

2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address outstanding issues, including but not limited to those outlined in this report.

3. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Official Plan and Zoning By-law and Draft Plan of Subdivision conditions are satisfactory to the City Solicitor, Executive Director, Development Review;

b) the owner has satisfactorily addressed the Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated May 7, 2024, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of the Chief Engineer;

c) the owner has submitted a revised Traffic Impact Assessment acceptable to, and to the satisfaction of the Executive Director, Development Review and the General Manager, Transportation Services and that such matters arising from such study be secured if required;

d) the owner has satisfactorily addressed the Urban Forestry matters in the Urban Forestry Memorandum dated August 9, 2022, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of the Supervisor, Tree Protection & Plan Review;

e) the submission of and peer reviews have been undertaken, at the expense of the owner for:

- i. Environmental Noise and Vibration Assessment Report; and
- ii. Air Quality, Dust and Odour Assessment Report

and any recommended mitigation measures are included in the subdivision conditions and/or Site Plan, to the satisfaction of the Executive Director, Development Review.

f) made revisions to meet the Toronto Green Standard requirements to the satisfaction of the Executive Director, Development Review.

4. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Traffic Impact Study, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, including entering into appropriate agreement(s) with the City for required mitigation, as well as the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction

of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services.

5. The City's conditions of subdivision approval stemming from the review and acceptance of appropriate reports identified in Part 3b-e above have been finalized and submitted prior to the Tribunal's Final Order.

6. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The Development Review Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A pre-application meeting was held on August 23, 2021, to discuss a proposal for a mixed-use redevelopment with residential and commercial uses comprised of a 30-storey tower with a 6-storey base building, an 18-storey residential tower and a 5 storey commercial/employment building at the southern portion of the property adjacent to Vanderhoof Avenue, as well as a new future public park and an east/west private road.

The application for the Zoning By-law Amendment and Draft Plan of subdivision were submitted on June 10, 2022 and determined to meet the complete application submission requirements of the Planning Act and the Toronto Official Plan as of June 10, 2022.

The application for the Official Plan Amendment (OPA) was submitted on September 14, 2022 and determined to meet the complete application submission requirements of the Planning Act and the Toronto Official Plan as of September 19, 2022.

Laird in Focus Planning Study

The Laird in Focus Planning Study was an initiative led by the City Planning Division that examined ways to focus and shape anticipated growth in the Laird Drive and Eglinton Avenue East area anchored by the transit infrastructure being constructed as part of the Eglinton Crosstown Light Rail Transit (LRT) project.

Laird in Focus resulted in a new planning framework to guide future development and established a vision for this area. OPA 450 with the recommended Site and Area Specific Policy (SASP 568) is in full force for the subject property. The Laird in Focus Final report and OPA 450 can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2019.NY10.2>

The website for the Laird in Focus Planning Study can be found here:

<https://www.toronto.ca/city-government/planning-development/planningstudiesinitiatives/laird-in-focus/>

Major Transit Station Area Delineations

On July 19-22, 2022, City Council adopted Official Plan Amendments 540, 544, 570 and 575, that included a total of 115 Major Transit Station Areas (MTSAs)/Protected Major Transit Station Areas (PMTSAs). The subject site is located within the Laird MTSA (SASP 682) as identified within OPA 575. A minimum target of 160 residents and jobs combined per hectare has been identified for this MTSA. The Official Plan Amendments were forwarded to the Minister of Municipal Affairs and Housing for approval. The Minister has not yet made a decision. A copy of the report, the OPAs and City Council decision can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH35.16>

SITE AND SURROUNDING AREA

Description: The site is generally rectangular in shape and has an approximate area of 14,157m², with a frontage of approximately 79 metres along Eglinton Avenue East. The site has an approximate depth of 179 metres and backs onto Vanderhoof Avenue. The site is generally flat with a minor slope down from north to south.

Existing Uses: The subject site currently contains one large building, with 17,836m² of gross floor area, that is occupied by a Mercedes-Benz car dealership and head office. The building has a single-storey portion fronting Eglinton Avenue East and a 3-storey portion fronting Vanderhoof Avenue.

Surrounding uses include:

North: Immediately north of the site is Eglinton Avenue East. The north side of Eglinton Avenue East includes low-rise residential apartment buildings as well as two-storey semi-detached dwellings. Further north is a mix of predominately single and semi-detached dwellings.

East: Immediately east of the site is a portion of the new Fredrick Todd Way. The east side of Fredrick Todd Way is a new mixed-use residential development comprised of three towers, with heights ranging from 18 to 28-storeys on the northern portion of the lands and an existing two-storey commercial building along the south portion. Further East is one storey commercial buildings.

South: Immediately south of the site is Vanderhoof Avenue. The south side of Vanderhoof Avenue is a number of one to two-storey commercial and employment buildings. Further south is more one to two- storey commercial buildings.

West: Immediately west of the site is a one-storey commercial plaza fronting onto Eglinton Avenue East that extends west to Laird Drive and south to Vanderhoof Avenue

and contains four large format stores. The property is approved to be redeveloped with five mixed-use buildings ranging in heights from 5 to 34-storeys (File No. 18 201853 NNY 26 OZ). Further west of Laird Drive is the new Laird Station main entrance.

THE APPLICATION

Description

The proposal is for a development that includes three buildings, which includes a 40-storey residential mixed-use building (Building B), a 21-storey residential building (Building A) and a 6-storey office building (Building C), with a total of 64,996 square metres of gross floor area (GFA). There are also two portions of land to be dedicated to complete two new public roads, a private road, and an 800m² privately owned publicly accessible space (POPS).

Density (Floor Space Index)

The proposal has a density of 5.3 times the area of the lot.

Height

The 40-storey tower - 124.02 metres, plus 5 metres mechanical penthouse for a total of 129.02 metres. The 21-storey tower - 69.55 metres, plus 5 metres mechanical penthouse for a total of 74.55 metres. The 6-storey building - 28.32 metres, plus 3.5 metres mechanical penthouse for a total of 31.82 metres.

Dwelling Units

The proposal includes a total of 820 new residential units, including 24 bachelor units (3%), 461 one-bedroom units (56%), 244 two-bedroom units (30%) and 91 three-bedroom units (11%).

Non-Residential Component

The proposal includes 10,516 square metres of office GFA and 797 square metres of retail GFA. The retail GFA is located on the ground floor of the 40-storey tower fronting along Eglinton Avenue East and the POPS space.

Residential Amenity

The proposal includes a range of indoor and outdoor amenity space exclusively for future residents at grade within the building and on the landscaped rooftops of the base buildings. Overall there is 3,305m² of amenity space proposed which is approximately 4m² per dwelling unit, approximately 2m² of both indoor and outdoor space per unit.

Streets, Access, Parking and Loading

A 4.5 metre portion of land would be combined with the abutting 15.5 metre wide portion of land to be conveyed to the City from the development on the property to the west (815-845 Eglinton Avenue East, File No. 18 201853 NNY 26 OZ) to create a new 20 metre wide Don Avon Drive extension. A 5.5 metre wide portion of land would be combined with the abutting 14.5 metre wide portion of land to be conveyed to the City from the development on the property to the east of the site (939 Eglinton Avenue East, File No. 15 141830 NNY 26 OZ) to create a new 20 metre wide Frederick Todd Way. There is also a new mid-block east-west 20 metre wide private right-of-way including a 6 metre wide road through the middle of the development site with the remaining being sidewalk and landscaped boulevard space.

The proposed vehicular access to the one underground garage on site is from the new Frederick Todd Way, through two garage and loading driveways. One is located in the base of the 21-storey tower and the other in the base of the 6-storey office building. The proposed garage has two levels of parking and contains a total of 428 parking spaces, 287 for residents, 10 spaces for visitors, 29 spaces for commercial parking and 102 spaces for office parking.

A total of 885 bicycle parking spaces are also proposed, with 762 long term spaces and 123 short term spaces. Bicycle parking spaces are proposed to be located on the ground floors and predominately on the first level of the underground garage.

Loading facilities are proposed on the ground floor of each of the three buildings, next to the garage entrances within the podium, with a total of 8 loading spaces proposed.

Parks and Open Spaces

There is no parkland proposed on site. There is an 800 square metre privately owned publicly accessible space located between the base of the 21-storey tower and the proposed east-west private road.

Additional Information

See Attachments 1, 6, 7, and 8 of this report, for the Application Data Sheet, a site plan of the proposal, three dimensional representation of the project in context, and the draft plan of subdivision and the. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <http://www.toronto.ca/849EglintonAveE>

Reasons for the Application

The Official Plan Amendment seeks to add a site specific amendment to the Laird in Focus Official Plan Amendment No. 450, and includes amending the maximum permitted storeys, minimum required setbacks, maximum permitted streetwall heights, angular plane, amendment to the mixed use areas policies with respect to the non-residential GFA.

A site-specific Zoning By-law Amendment is required to allow the proposed mixed-use development under Zoning Bylaw 569-2013 and to implement performance standards including: gross floor area and floor space index; building heights; building setbacks; amenity space; and vehicular and bicycle parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the application review.

The Draft Plan of Subdivision proposes to create one large development block, which would include the three proposed residential and mixed-use buildings, as well as portions of two new public streets on the east and west sides of the property.

Agency Circulation Outcomes: The application has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020) (PPS (2020)), and shall conform to provincial plans including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan (2020)), the Greenbelt Plan and others.

On October 20, 2024 the Provincial Planning Statement (2024) comes into effect and combines the PPS (2020) and the Growth Plan (2020) into a single policy document. As of October 20, 2024, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024) (PPS 2024) and shall conform to provincial plans including the Greenbelt Plan (2017) and others.

Toronto Official Plan

The subject site is designated *Mixed Use Areas* on the northern portion of the site and *General Employment Areas* on the southern portion of the site on Map 17 of the Official Plan. See Attachment 3 of this report for a land use map.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Laird in Focus

The site is also subject to Site and Area Specific Policy (SASP) No. 568. SASP 568 was introduced in the Official Plan through OPA 450 (Laird in Focus Study). The OPA was adopted by City Council on November 26 and 27, 2019 and is in full force on the subject property following an OLT decision on July 18, 2022 (Case No. OLT-21-001727). The property is within Area A of the SASP and has *both General Employment Areas* on the south portion as well as *Mixed Use Areas* on the north portion of the subject property.

The SASP allows for maximum building heights of 18 and 30 storeys on the subject property.

Zoning

The site is zoned Light Industrial (M1(10)) under the Town of Leaside Zoning By-law 1916, with permitted uses of Automotive Trade, a Motor Vehicle Repair Shop and offices, with a maximum FSI of 1.0 and building height of 22.3 metres. The property is not currently subject to the City of Toronto Zoning By-law 569-2013.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Laird in Focus Urban Design Guidelines
- Tall Building Design Guidelines
- Design Guidelines for Privately Owned Publicly-Accessible Spaces (POPS)
- Retail Design Manual
- Performance Standards for Mid-Rise Buildings
- Growing up: Planning for Children in New Vertical Communities Urban Design Guidelines
- 2020 Pet-Friendly Guideline and Best Practices for New Multi-Use Buildings

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-planguidelines/design-guidelines/>

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plan of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

Site Plan Control

A Site Plan Control application has been submitted and is being reviewed concurrently with the other applications (File No. 22 160402 NNY 15 SA). The Site Plan Application has not been appealed.

Draft Plan of Subdivision

A Draft Plan of Subdivision has also been submitted and has also been appealed.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on December 6, 2022. The meeting was attended by the local Councillor, Councillor's office staff, the

applicant and their consultant team, and approximately 11 members of the public. Following presentations by City staff and the applicant, the following concerns were raised by the general public:

- The need for more affordable housing in the area;
- Increase the number of 3-bedroom units.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Policy Statement, Provincial Planning Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, Provincial Planning Statement, and conformity with the Growth Plan. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS (2020 and 2024), and shall conform to provincial plans. Given that the applications have been appealed to the Ontario Land Tribunal before Council can make a decision, the OLT will be tasked with ensuring the applications meet the various provincial policies that are in effect at the time of the decision.

Staff are of the opinion that the current applications and their supporting documentations have not demonstrated consistency and conformity with the aforementioned provincial policies.

The PPS requires planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing and planned infrastructure and public service facilities to meet projected needs. These locations and areas are to be identified in the official plan and zoning by-laws in accordance with policies of the PPS. The Growth Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. The policies encourage a range and mix of housing options to serve all sizes, incomes, and ages of households. The policies also look to avoid potential adverse effects such as odour, dust and noise, from employment areas on sensitive land uses, by ensuring adverse impacts are minimized and mitigated to ensure the long-term operational and economic viability of industrial areas.

The proposal is not consistent with PPS 2020 and the new Provincial Planning Statement 2024 policies and does not conform to Growth Plan policies as it relates to planning for sewage and water services as further investigation is required to determine if there is adequate capacity in the existing and proposed infrastructure for stormwater runoff, sanitary flow, and water supply demand, as well as the level of intensification

envisioned through the Laird in Focus policies, addressing land use compatibility matters between the proposed uses and the existing surrounding employment areas, the implementation of appropriate development standards through the Official Plan and other supporting documents.

Land Use

The subject site is designated *Mixed Use Areas* on the northern portion of the site and *General Employment Lands* on the southern portion of the site in the City of Toronto Official Plan as noted in Attachment 3. As per Policy 3.6 in SASP 568, development in Parcel "1" as shown on Map 1 that includes residential units is required to increase the amount of non-residential gross floor area that existed in Parcels "1" and "2" on Map 1. The applicant seeks to amend this policy by adding that "development in Parcel "1" and "2" as shown on Map "1" that includes residential units is required to increase the amount of non-residential gross floor area that existed in Parcels "1" and "2" on Map 1". Community Planning staff do not have an issue with this amendment as it meets the intent of the policy to increase the non-residential uses that previously existed on site.

Given the presence of industries to the south and southeast of the subject site, a study of noise, dust, odour and other industrial related impacts is required prior to the approval of residential development or other sensitive non-residential uses, so that appropriate design standards can be determined for the site, as per Policy 3.7 in SASP 568. The applicant is to submit these studies and undertake a peer review, at their own expense, as requested in the City Planning memorandum, dated June 19, 2024, and the Economic Development and Culture memorandum dated, April 9, 2024. Since the development is within 300m of a major facility, these studies will also help to satisfy the policies in the PPS dealing with land use compatibility between sensitive land uses and employment areas.

Building Heights and Massing

Community Planning staff have reviewed the proposed built form, including building height and transition, against the policies of the Official Plan as well as relevant design guidelines. The proposed building height and transition does not fit within the planned context and does not conform to Laird in Focus SASP 568.

As per Policy 9.1, Map 3 in SASP 568 shows a maximum building height of 18 storeys fronting onto Eglinton Avenue East and 30-storeys further away from Eglinton Avenue East on the subject site. Policy 9.6 of SASP 568 states that "the tallest buildings should be in close proximity to the Eglinton Crosstown LRT Station, with heights of tall buildings decreasing further to the east". The tallest buildings that have the closest proximity to the LRT station have been approved at 34, 29, 21 and 18-storeys and are located to the west on the adjacent property at 815-845 Eglinton Avenue East. The taller two of those approved towers are located further away from Eglinton Avenue East and the shorter of the two front onto Eglinton Avenue East. The proposed building height of the taller tower on the subject site is 40-storeys, which exceeds the height of the tallest tower with closest proximity to the LRT station. The shorter proposed tower is proposed at 21-storeys, which is the same height as the adjacent site and also does not allow for a decrease in height moving further east. Staff are not supportive of the 40-

storey building height, and believe the proposed height should be lower in order to maintain the overall structure of the SASP and provide for a transition down in height as you move further east from the LRT station.

The proposal is also seeking a reduction of the front yard setback along Vanderhoof Avenue to 3 metres. Policy 7.3 requires a minimum 6 metres setback from both Eglinton Avenue East and Vanderhoof Avenue. This setback is to allow for streetscape improvements to be made along those streets, such as contributing to the public realm and integrating into the Leaside character, and allow for additional space for pedestrians, landscaping, amenities and soil volumes to accommodate healthy tree growth. Staff would like to see the proposed setback along Vanderhoof Avenue increased to allow for those streetscape improvements.

Sun, Shadow and Public Realm

A Shadow Study was submitted as part of the application. The POPS space is shadowed at various times throughout the day. These public spaces are in an urban setting framed by midrise and tall buildings and there can be an expectation of some shadowing on these areas. Staff will work with the applicant to refine and articulate the proposal to maximize sunlight on these areas.

The angular plane from Eglinton as shown on the submitted plans is incorrect. Revisions to the plans have been requested by staff to address this. Staff are not supportive of the building projecting into the angular plane, in order to reduce shadowing on the north side of Eglinton Ave east, as per Policy 9.7 of SASP 568.

The permitted maximum streetwall height in Policy 9.4 of 20 metres is to provide for good access to sunlight/daylight from the public realm and maintain a legible streetwall. The proposed streetwall height is 23.5 metres. Staff would like to see the streetwall height along Vanderhoof reduced to comply with Policy 9.4, by stepping the south side of the building back at the 5th floor rather than the 6th floor as it is currently proposed. As it is also proposed to reduce the setback along Vanderhoof Avenue as mentioned above, combining that with an increase in streetwall height would not maintain an appropriate streetwall along Vanderhoof Avenue or scale adjacent to the public realm.

Wind

Winds have been tested for the proposed development massing to ensure for appropriate wind conditions in the public realm for walking, standing and sitting. The wind study submitted by the applicant is generally acceptable, however the study identified some public areas in need of improvement.

Should the application be approved at the OLT, Staff will review the wind impacts in further detail at the site plan stage. Mitigation measures should be examined, including any necessary changes to massing, to eliminate the uncomfortable wind conditions that arise from the proposed development.

Traffic

A Transportation Study Update, dated February 2023, was submitted in support of the revised proposal. The consultant concludes that the proposed development will have a minor impact on the overall operation of the other network signalized and unsignalized intersections. Despite this conclusion, Transportation Review is not fully satisfied with the Transportation Study Update and requires further revisions, as per the Engineering and Construction Services Memorandum, dated May 7, 2024. Additionally, Transportation Planning has requested further commitment to improved Travel Demand Management measures as per City Planning Memorandum, dated, June 19, 2024. In the event that the Ontario Land Tribunal allows the appeal, the final Order should be withheld until such time as the City Solicitor advises that the owner has submitted a revised Traffic Impact Assessment.

Parking

A total of 428 parking spaces including 287 resident spaces, 10 residential visitor spaces, 29 retail spaces, and 102 office spaces, have been proposed for the development. The residential visitor parking spaces do not meet the minimum visitor parking requirement in By-law 89-2022. The supply of both retail and office spaces as proposed exceeds the maximum allowances. The justification provided by the applicant, indicates that office parking is determined by current market conditions and there may be opportunities to explore scaling back office parking if necessary. Retail paid parking would be available for visitors to the retail premises or residential visitors, if the residential visitor parking is full. Further justifications, are required for proposed retail and office parking spaces exceeding the maximum requirements.

The site statistics indicate the provision of 762 long-term, 113 short-term, and 10 publicly accessible short-term bicycle parking spaces, for a total of 885 bicycle parking spaces. The required number of long-term spaces is 762 and the required short-term spaces is 191, for a total of 953 bicycle parking spaces. The required number of short-term spaces is not met. Transportation Review staff and Transportation Planning staff are not satisfied with the proposed bicycle parking proposed on site, as it does not meet the requirements of Zoning By-law 569-2013 or the Toronto Green Standard (TGS).

In the event that the Ontario Land Tribunal allows the appeal, the final Order should be withheld until such time as the City Solicitor advises that the owner has submitted a revised Traffic Impact Assessment.

Loading

The site plan proposes a total of 8 loading spaces including 2 Type 'G' and 3 Type 'B' and 3 Type 'C' loading spaces located at grade, within the building, which meet the minimum By-law requirements. However, the Type 'C' loading space (Building B) located on the southern driveway is not acceptable to Transportation Review staff, and it should be relocated without encumbering the driveway. Transportation Review and Solid Waste Services staff require revisions to the submitted materials as outlined in the Engineering and Construction services memorandum dated May 7, 2024, in order to appropriately assess the proposed development.

Road Widening

In order to satisfy the Official Plan requirement of a 30 metre right-of-way for this segment of Eglinton Avenue East a 0.37 metre road widening dedication along the Eglinton Avenue East frontage of the subject site is required. A 4.5 metre widening along the west side of this property for the proposed new public street Don Avon Drive, and a required 5.5 metre widening along the east side of this property for the proposed new public street Frederick Todd Way are required. A 6.0 metre corner rounding is required at the northwest corner of the site adjacent to the intersection of Eglinton Avenue East and Don Avon Drive, and a 6.0 metre corner rounding at the northeast corner of the site adjacent to the intersection of Eglinton Avenue East and Frederick Todd Way are required. A 6.0 metre corner rounding at the southwest corner of the site adjacent to the intersection of Vanderhoof Avenue and Don Avon Drive, and a 6.0 metre corner rounding at the southeast corner of the site adjacent to the intersection of Vanderhoof Avenue and Frederick Todd Way are required.

The road widenings and corner roundings should be illustrated on the draft zoning by-law amendment schedules and should be conveyed to the City through the subdivision application.

Servicing

Engineering Review Staff have reviewed the submitted engineering materials. Engineering Review Staff require revisions to the submitted materials as outlined in their memorandum dated May 7, 2024, in order to appropriately assess the proposed development to determine storm water runoff, sanitary flow, water supply demand and whether there is adequate capacity in the existing municipal infrastructure. The applicant is required to provide a revised Functional Servicing and Stormwater Management Report, Hydrogeological Assessment Report, Functional Servicing Plan, and Functional Grading Plan.

There are multiple sewer infrastructure construction projects and sewer upgrades proposed by neighbouring developers along Eglinton Avenue East, Vanderhoof Avenue, Don Avon Drive and Frederick Todd Way that have not been accepted by the City at this time. This development will rely on the approval, construction, and City acceptance of the sewer infrastructure proposed by those developments for site servicing.

Due to the reliance on the construction of infrastructure by neighbouring developers, staff are recommending the subject lands be zoned with a holding provision ("H") should the Tribunal approve the development in some form until such time that the required infrastructure comes online and is fully operational as determined by the Chief Engineer & Executive Director and/or appropriate agreement(s) are entered into with the City for the design and construction of any improvements to the municipal infrastructure to support this development, according to the functional servicing report accepted by the Chief Engineer & Executive Director of Engineering and Construction Services, which may include the applicant obtaining Ministry of the Environment, Conservation and Parks Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

In the event that the Ontario Land Tribunal allows the appeal, the final Order should be withheld until such time as the City Solicitor advises that the owner has addressed any servicing related matters.

Parkland

At the alternative rate of 1 hectare per 600 units specified in Section 42 of the Planning Act, the parkland dedication requirement is 12,450 square metres or 108.65 % of the site area. However, for sites that are less than 5 hectares in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 1,200 square metres.

In accordance with [Section 42 of the Planning Act](#), the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per [Toronto Municipal Code Chapter 415-29](#), the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the [Toronto Municipal Code Chapter 415-28](#), requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

The applicant is proposing to satisfy their parkland dedication through the combination of an 800 square metre privately owned publicly accessible space ("POPS") and cash-in-lieu. Parks Development will not accept the proposed POPS as fulfilling any portion of the parkland dedication requirement. As noted above, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu.

Privately-Owned Publicly Accessible Open Space (POPS)

In accordance with the Official Plan, Privately Owned Publicly-Accessible Spaces (POPS) are spaces that contribute to the public realm but remain privately owned and maintained. POPS do not replace the need for new public parks and open spaces. A POPS of approximately 800 square meters is being proposed. The POPS is proposed on the east side of Don Avon Drive and on the north side of the proposed east-west private road in the middle of the development site. Staff consider the proposed POPS to be a positive element of the proposal. It will provide opportunity for significant public realm enhancements, provide for open-space on site and future programming of the space. Staff will address the POPS, including its final design, through the Site Plan Control approval process.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Standards for matters such as waste collection and sorting, bicycle parking rates, erosion & sediment control, stormwater retention & reuse and total suspended solids.

In the event that the OLT allows the Official Plan Amendment application appeal in whole or in part, the final Order should be withheld pending confirmation that the owner

has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistic Template, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Plan of Subdivision

The issues raised above may result in modifications to the proposed draft plan of subdivision. Additionally, staff have not completed their review and finalized draft plan conditions. Pursuant to subsection 415-18.1.A. of the Toronto Municipal Code, the authority to instruct the City Solicitor on what position to take at an Ontario Land Tribunal hearing is delegated to the Executive Director, Development Review and his or her representatives in respect of the approval of a plan of subdivision and the conditions of approval of a plan of subdivision. Accordingly, the Director of Community Planning, North York District will instruct the City Solicitor on the subdivision appeal.

CONCLUSION

The proposal has been reviewed against the policies of the Provincial Policy Statement (2020), the Provincial Planning Statement (2024), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and the Official Plan, and applicable City guidelines intended to implement Official Plan policies.

Staff are of the opinion that the proposal is not consistent with the PPS (2020) and the PPS (2024), and conflicts with the Growth Plan (2020), and does not conform to the Official Plan. This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

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E-mail: Sarah.Ovens@toronto.ca

SIGNATURE

David Sit MCIP RPP, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Official Plan Amendment 450 (SASP 568) - Map 3
Attachment 5: Existing Zoning By-law Map (Zoning By-law 1916)

Applicant Submitted Drawings

Attachment 6: Site Plan
Attachment 7A: 3D Model of Proposal in Context Looking Northeast
Attachment 7B: 3D Model of Proposal in Context Looking Southeast
Attachment 8: Draft Plan of Subdivision

Attachment 1: Application Data Sheet

Municipal Address: 849 EGLINTON AVE E
Date Received: September 14, 2022
Application Number: 22 203483 NNY 15 OZ, 22 160403 NNY 15 OZ, & 22 162079 NNY 15 SB
Application Type: OPA, Plan of Subdivision
Project Description: Official Plan, Zoning By-law Amendment and Plan of Subdivision for a development including three buildings: a 40-storey residential mixed-use building, a 21storey residential building, and a 6-storey office building, as well as a new private road and privately owned publicly accessible space (POPS). The Proposal will provide a total of 820 new residential units and 10,516 square metres of office gross floor area (GFA), 797 square metres of retail GFA, and 53,633 square metres of residential GFA, resulting in a net density of 5.3 times the area of the lot.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC			PEM (EGLINTON) GP INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas & General Employment Areas
Site Specific Provision: SASP 568
Zoning: M1(10)
Heritage Designation:
Height Limit (m):
Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 14,157 Frontage (m): 79 Depth (m): 179

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	6,160	0	6,313	6,313
Residential GFA (sq m):			53,633	53,633
Non-Residential GFA (sq m):	17,836	0	11,363	11,363
Total GFA (sq m):	17,836	0	64,996	64,996
Height - Storeys:	3		40	40
Height - Metres:	15		124	124

Lot Coverage Ratio 44.59 Floor Space Index: 5.3
(%):

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	53,353	280
Retail GFA:	797	
Office GFA:	10,516	50
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			820	820
Other:				
Total Units:			820	820

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	24	461	240	95	
Total Units:	24	461	240	95	

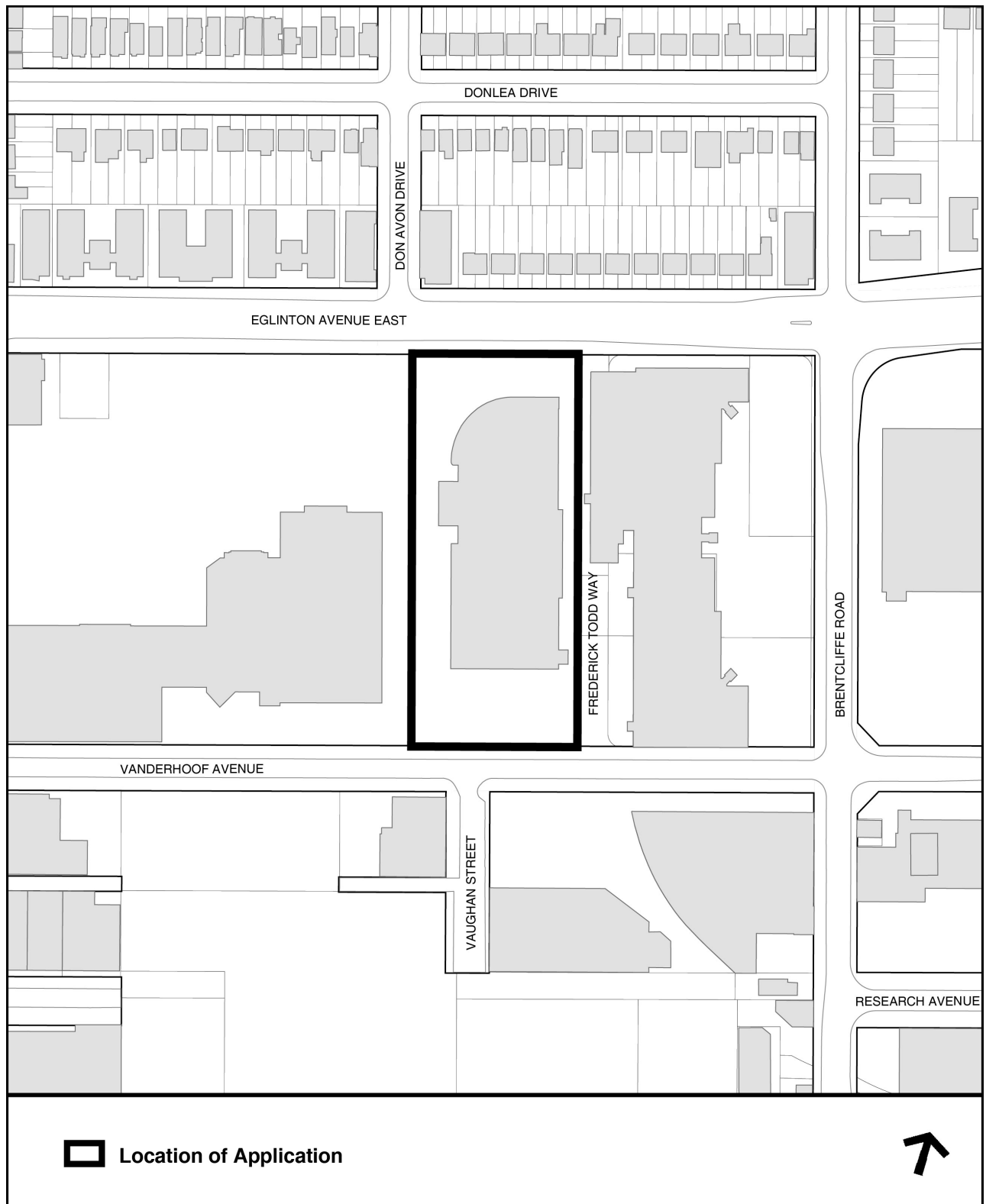
Parking and Loading

Parking Spaces:	428	Bicycle Parking Spaces:	885	Loading Docks:	8
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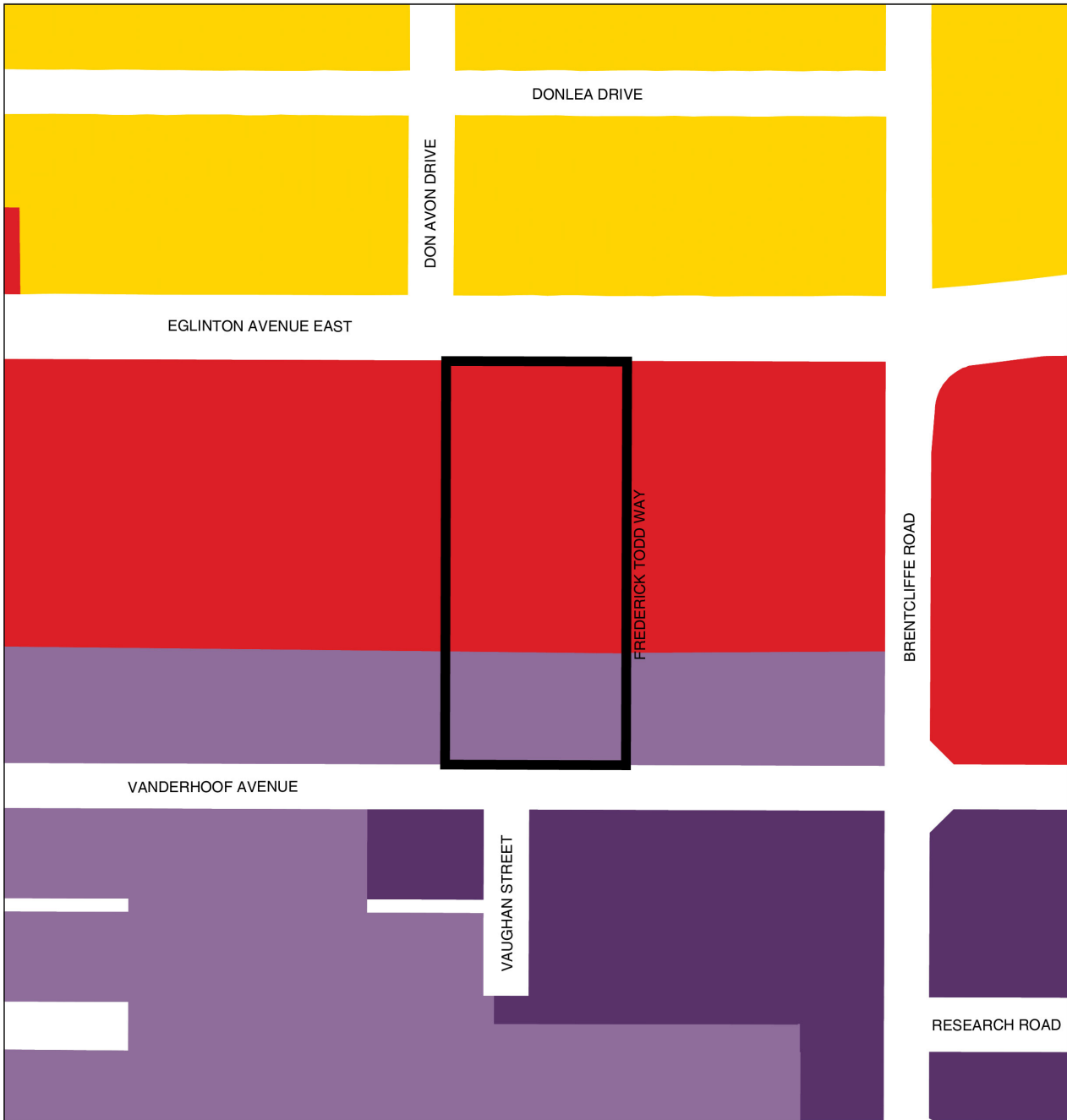
CONTACT:

Sarah Ovens, Senior Planner
416-395-7129
Sarah.Ovens@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



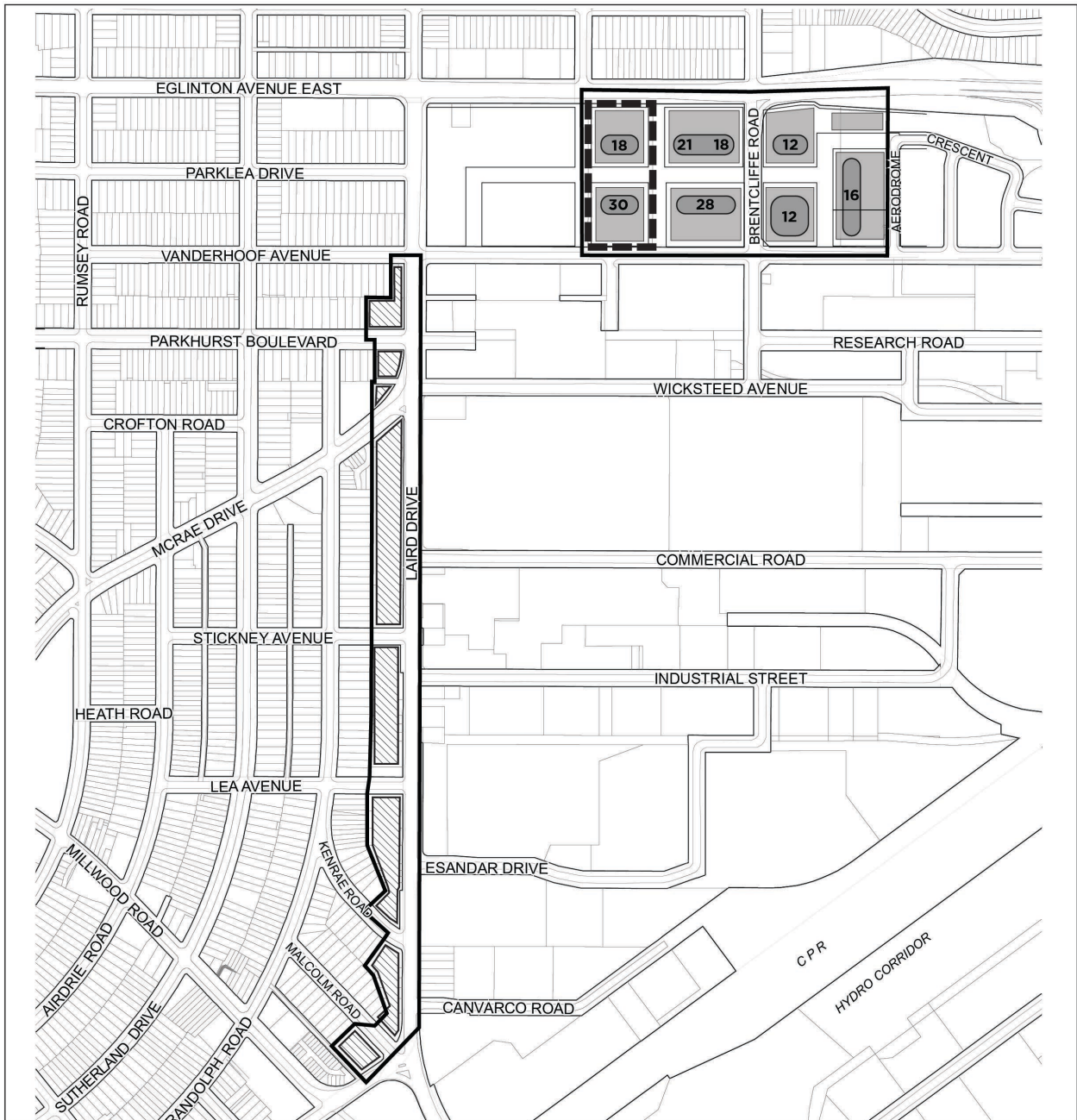
Official Plan Land Use Map #17

849 Eglinton Avenue East

File # 22 203483 NNY 15 02



Not to Scale
Extracted: 09/19/2022



849 Eglinton Avenue East

Official Plan Amendment #450

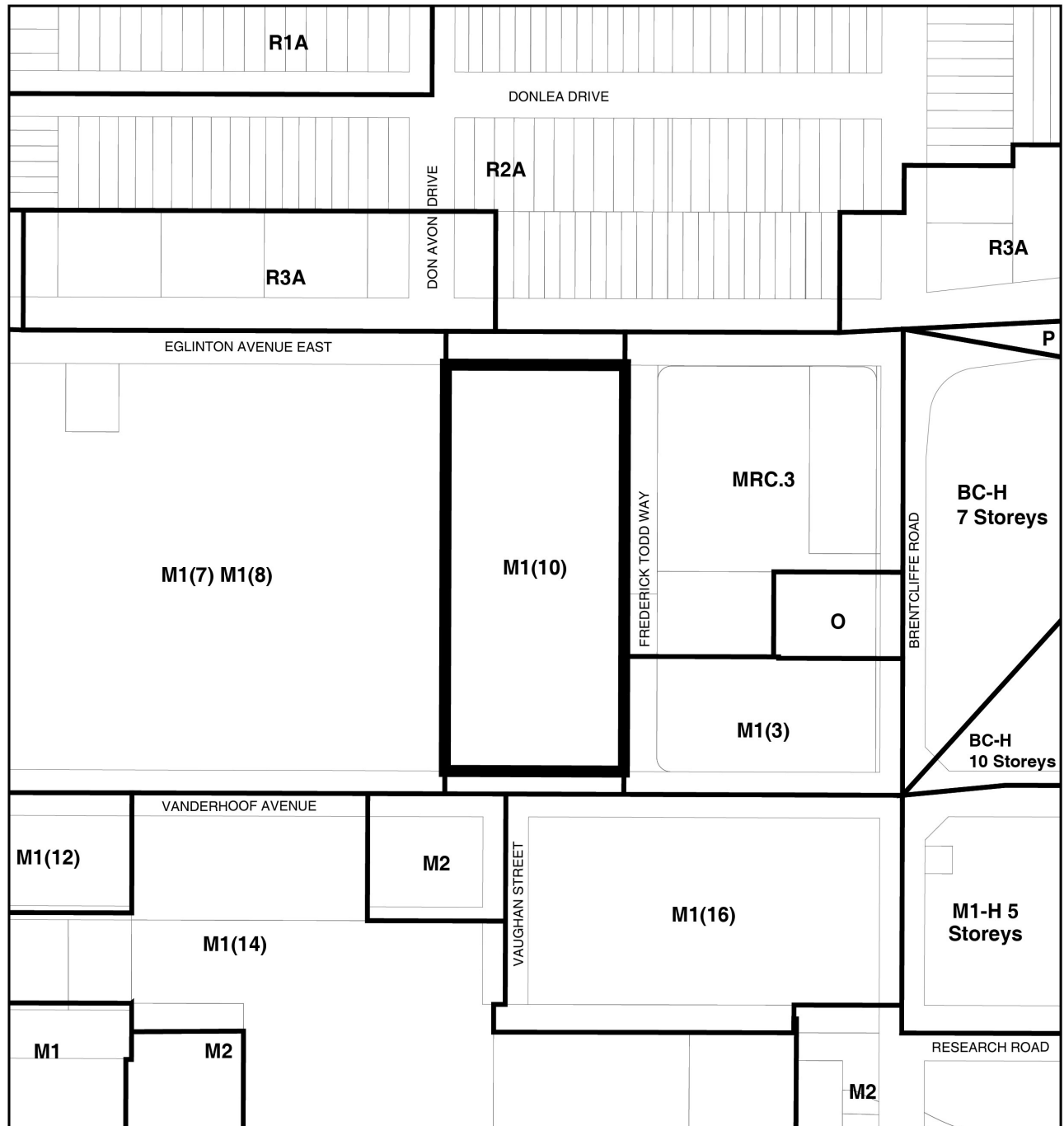
File # 22 203483 NNY 15 0Z

- | | | | |
|--|----------------------------------|--|------------------------|
| | Secondary Plan Boundary | | Eglinton Mid-rise Area |
| | Subject Site | | Laird Mid-rise Area |
| | Potential Tall Building Location | | |



Not to Scale
09/12/2024

Attachment 5: Existing Zoning By-law Map (Zoning By-law 1916)



Zoning By-law 1916

849 Eglinton Avenue East

File # 22 203483 NNY 15 0Z



Location of Application

See Former Borough of East York By-Law 1916

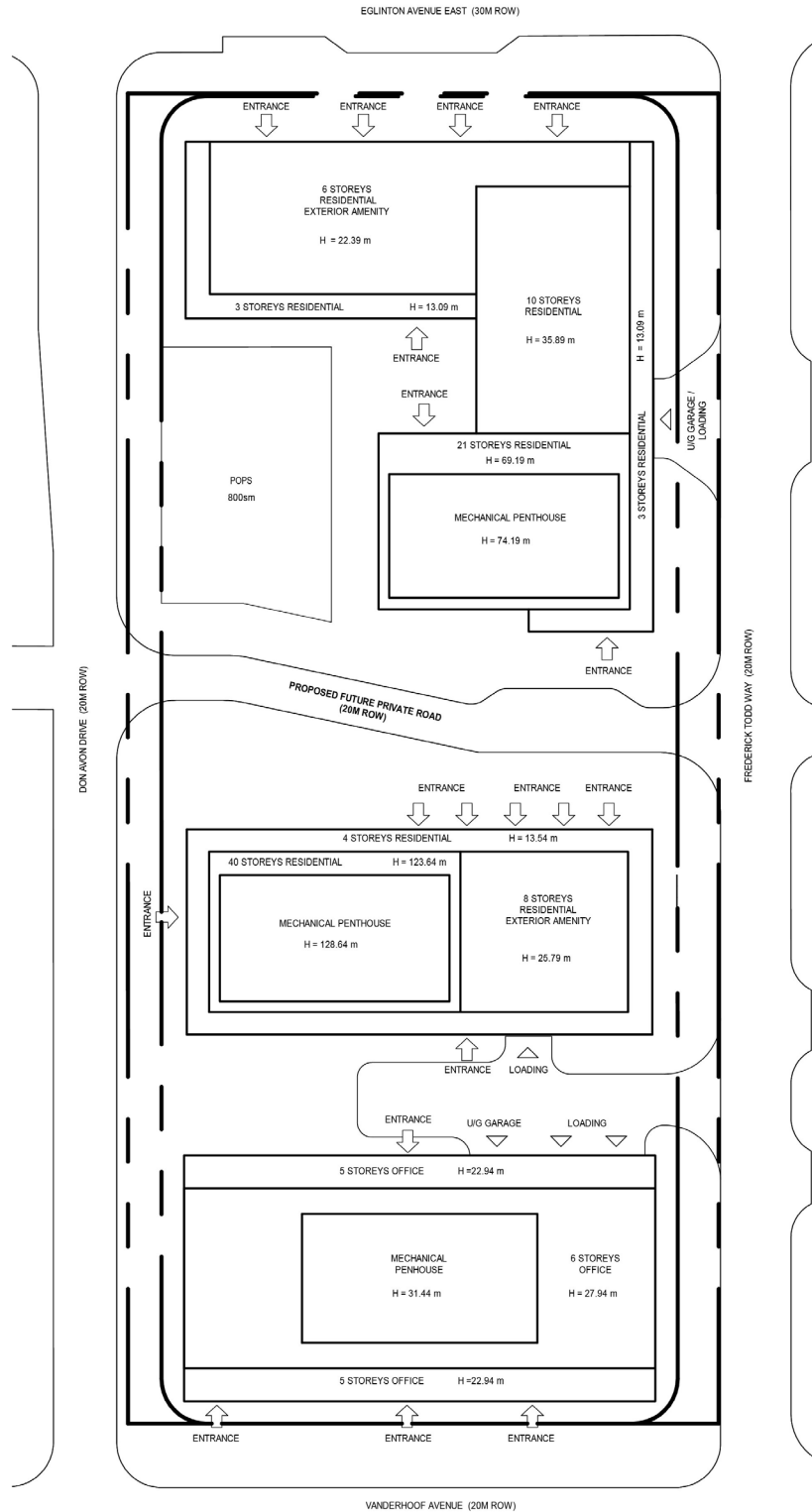
R1A Low Density Residential
R2A Medium Density Residential
R3A High Density Residential
MRC Mixed Use Residential Commercial (Site Specific)

M1 Light Industrial
M2 General Industrial
BC Business Centre
O Open Space (Parks)
P Conservation



Not to Scale
Extracted: 09/19/2022

Attachment 6: Site Plan



Site Plan



Attachment 7A: 3D Model of Proposal in Context Looking Northeast

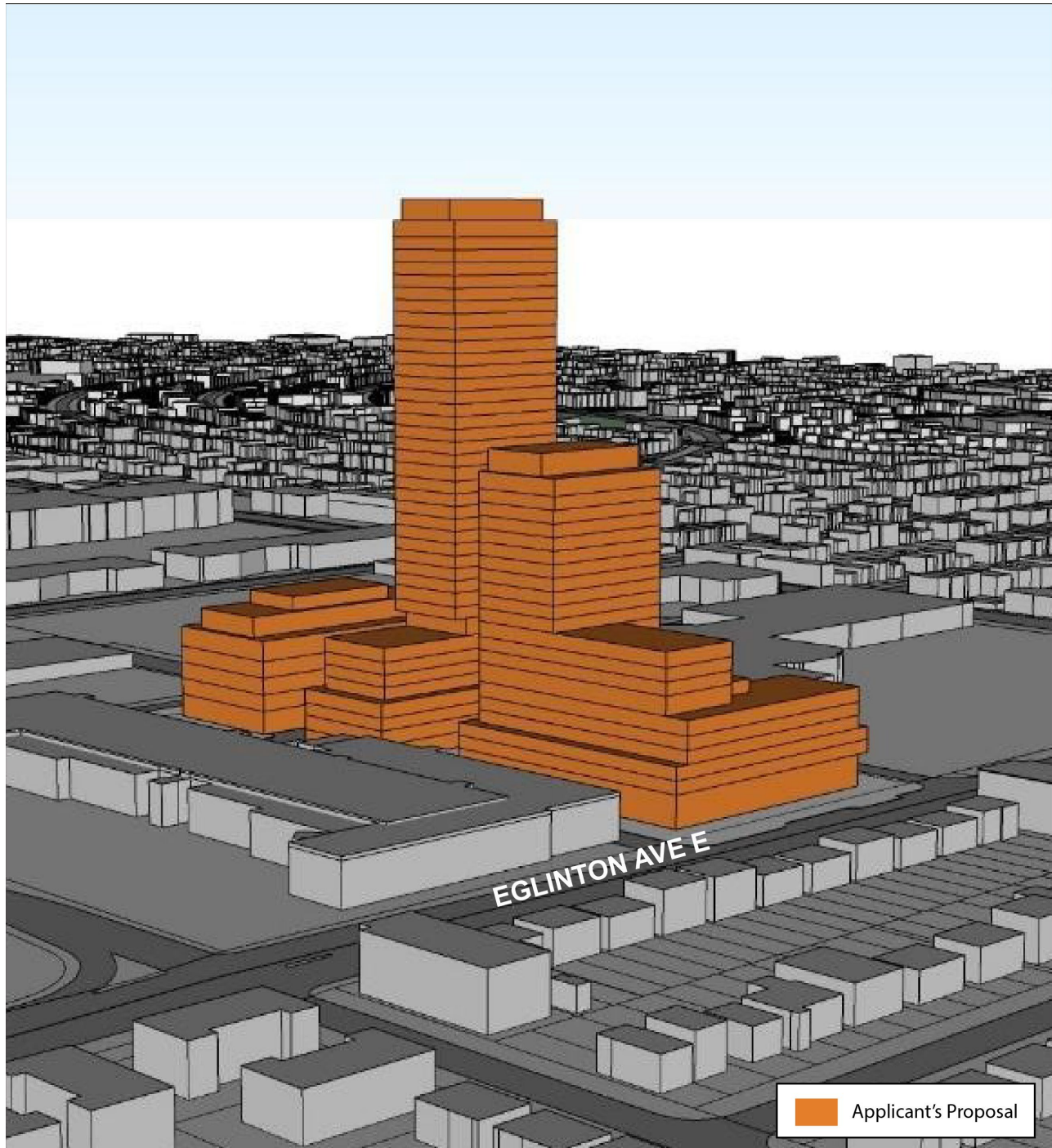


View of Applicant's Proposal Looking Northeast



09/09/2024

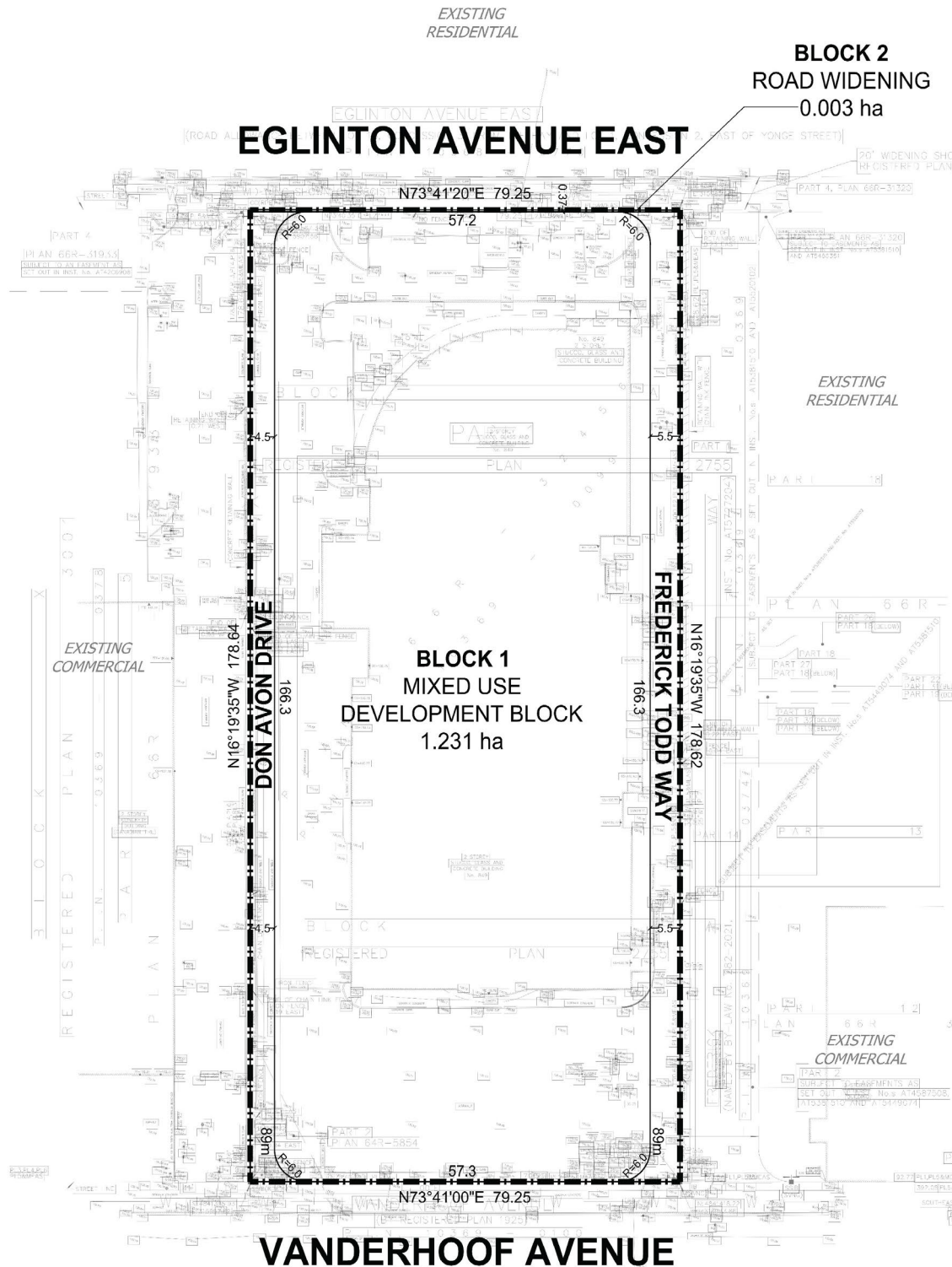
Attachment 7B: 3D Model of Proposal in Context Looking Southeast



View of Applicant's Proposal Looking Southeast


09/09/2024

Attachment 8: Draft Plan of Subdivision



Draft Plan of Subdivision

